

REMARKS

Claims 1, 3-5, 8 and 11 are rejected under 35 USC 102 as anticipated by Balsich (WO 02/064435). Applicants respectfully traverse. Each of these claims requires a container having a first and second widths where the first width is greater than the second. The claims further require a removable bridge with an aperture and having a width less than the first width of the container.

Balish, in contrast, shows a device having a top 20 with the same width as the body 12. Balish fails to show a bridge having a lesser width and therefore fails to anticipate the claimed invention. Balish further fails to provide the benefit of access to the container contents by having the claimed bridge (of lesser width).

Balish further fails to anticipate claim 4 which recites an aperture centered on the first width. In contrast, the Balish device has wall 14 centered on the first width. Balish fails to provide the centered aperture and benefits thereof.

Claims 1, 3-5, and 11 are rejected as anticipated by US 3,795,355 (Gerstein). Gerstein, like Balish, fails to disclose the apertured bridge of lesser width than the body. Gerstein also fails to disclose the centered aperture of claim 4. Gerstein, like Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 4 and 5 are rejected as anticipated by US 6,158,614 (Haines et al). Haines discloses a circular dispenser (equal width in all directions). Haines fails to disclose the claimed container having a first width greater than a second width. The claimed geometry provides the benefit of less wasted shelf space and greater billboard effect while on the shelf. Haines, like Gerstein et al. and Balish fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3-5, 10 -11 are rejected as anticipated by US 4,526,291 (Margulies). Margulies, like Balish and Gerstein, fails to disclose the apertured bridge of lesser width than the body. Margulies also fails to disclose the centered aperture of claim 4. Margulies, like Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3-5 and 7 are rejected as anticipated by US 2002/0023932 (Faulks et al.). Faulks et al., like Balish, Gerstein, and Margulies fails to disclose the apertured bridge of lesser width than the body or to provide the benefits thereof. Faulks et al., like Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3, 8-9 and 11 are rejected as anticipated by US 3,095,087 (Yates). Yates fails to disclose a removable bridge, and does not allow for loading of the contents of the container through the dispensing area – as provided by the claimed invention. Yates, like Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3-4, 8 and 11 are rejected as anticipated by US 5390820 (Wright et al.). Wright et al. fails to disclose a removable bridge or a removable bridge having a width less than the first width of the container body, and does not allow for loading of the contents of the container through the dispensing area – as provided by the claimed invention. Wright, like Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1 and 3 -5 are rejected as anticipated by US 4,865,221 (Jackson et al.). Jackson et al. fails to disclose an upright container body, as required by the claimed invention. The upright container body provides the benefit of a smaller footprint on the store shelf or user's tabletop. Jackson et al., like Wright, Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1 and 3 -5 are rejected as anticipated by US 6,176,051 (Taormina). Taormina fails to disclose an upright container body, as required by the claimed invention. The upright container body provides the benefit of a smaller footprint on the store shelf or user's tabletop. Taormina further fails to disclose the claimed seal. The seal provides the flexibility to use the claimed package with wet or dry products. Taormina, like Jackson et al., Wright, Yates, Faulks et al., Margulies,

Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1 3 -6, 8-11 and 14 - 15 are rejected as anticipated by US 2,619,398 (Kenmotsu). Kenmotsu, like Taormina, fails to disclose an upright container body, as required by the claimed invention. The upright container body provides the benefit of a smaller footprint on the store shelf or user's tabletop. Kenmotsu also fails to disclose a removable bridge having a width less than the first width of the container. Therefore, Kenmotsu cannot disclose the bridge removal method required by claims 14 - 15. Kenmotsu, like Taormina, Jackson et al., Wright, Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3-5 and 10 are rejected as anticipated by US 5,263,607 (Temesvary et al.). Temesvary shows a round package and fails to disclose a package having different first and second widths. This is the same drawback as Haines, discussed above. In contrast, the claimed geometry provides the benefit of less wasted shelf space and greater billboard effect while on the shelf. Temesvary like Kenmotsu, Taormina, Jackson et al., Wright, Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3-5, 7 and 11 are rejected as anticipated by US 6,092,690 (Bitowft et al.). Bitowft, like Kenmotsu and Taormina, fails to disclose an upright container body, as required by the claimed invention. The upright container body provides the benefit of a smaller footprint on the store shelf or user's tabletop. Furthermore, to the extent Bitowft discloses a bridge, it is of greater width than the container body - not lesser width as required by the claimed invention. The Bitowft teaching provides considerable material waste compared to the claimed invention. Bitowft, like Temesvary, Kenmotsu, Taormina, Jackson et al., Wright, Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1 and 3-6 are rejected as anticipated by US 4,964,526 (Stephens). Stephens, like Kenmotsu, Taormina and Bitowft, fails to disclose an upright container body, as required by the claimed invention. The upright container body provides the benefit of a smaller footprint on the

store shelf or user's tabletop. Stephens further fails to disclose the centered aperture of claim 4 or the benefits thereof. Stephens, like Bitowft, Temesvary, Kenmotsu, Taormina, Jackson et al., Wright, Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

Claims 1, 3 – 6 and 10 are rejected as anticipated by US 6,592,001 (Lewis et al). Lewis et al fails to disclose the seal member of claim 1. This failure limits the use of the Lewis dispenser to dry wipes, and does not provide the flexibility to also use wet wipes, as provided by the claimed invention. Further, Lewis fails to provide the press fit of claim 5, the shorter front wall of claim 6 or provide the benefits thereof. Lewis, like Stephens, Bitowft, Temesvary, Kenmotsu, Taormina, Jackson et al., Wright, Yates, Faulks et al., Margulies, Haines, Gerstein, and Balish, fails to disclose all elements of the claimed invention or to provide the benefits thereof.

None of the allegedly anticipatory references teach all elements of the claimed invention when the references and claims are given their broadest reasonable interpretation. The Examiner is respectfully requested to reconsider and withdraw all rejections under 35 USC 102.

Various claims are rejected as obvious over Margulies in view of GB 2210603. The '603 reference is used to supply the spring missing from Margulies. The spring keeps the wipes upright and ready for dispensing. This rejection fails for two reasons. First, one of skill reading Margulies would have no reason to utilize the '603 spring. Margulies specifically teaches using slit 20, 22 for this purpose. Adding the '603 spring only increases the cost and complexity for a reason made unnecessary by that slit 20, 22.

Second, even if one were to make the cited combination, the claimed invention does not result. As noted above, Margulies fails to disclose the apertured bridge of lesser width than the body. Margulies also fails to disclose the centered aperture of claim 4. Adding the '603 spring does not overcome these deficiencies or produce the claimed invention.

Various claims are rejected as obvious over 2002/0170841 (Persson) in view of Taormina. This rejection fails for three reasons. First, one of skill reading Taormina would have no reason to

use Persson. The Taormina package is intended to mate with a separate eyeglass package. If the Persson shortened front wall were used, the mating package would be more difficult to accomplish.

Second, one reading Perrson would seek to preserve the concave shape 100 of the panty shields. Using the dispensing orifice would render this shape unusable.

Third, damage to the Perrson panty shields would result if the Taormina dispensing orifice were used. The combination is untenable and would not be made by one of skill.

Various claims are rejected as obvious over US 5,667,092 (Julius et al.) in view of 2005/0189372 (Fenton). This combination fails to yield the claimed invention having an apertured bridge with a less than the width of the container. The claimed invention does not result.

Various claims are rejected as obvious over Bitowft in view of 2,274,866 (Martens). This combination yields a non-upright container body having a bridge of greater width (not lesser as claimed) than the container body. The claimed invention does not result.

Various claims are rejected as obvious over Bitowft in view of Temesvary. This combination yields a non-upright container body having a bridge of greater width (not lesser as claimed) than the container body and a circular cross section (not having different first and second width as claimed). The claimed invention does not result. While one could try to use hindsight to pick and choose various elements of these reference to piece at least some of the claimed invention together, there is no obvious basis to do so – any more than to pick a non-upright, round container having the bridge of greater width.

The proposed combinations under 35 USC 103 are either unworkable or simply fail to produce the claimed invention. The Examiner is respectfully requested to reconsider and withdraw these rejections.

Two claims are rejected under 35 USC 112. Appropriate correction has been made.

Various claims are rejected for judicially created double patenting over claim 13 of application no. 11/228,792. A terminal disclaimer dated July 27, 2007 has been previously submitted to overcome this rejection.

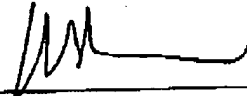
CONCLUSION

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. All matters raised by the office action are believed to be addressed by the amendments, and prior terminal disclaimer. The Examiner is respectfully requested to enter these amendments and to reconsider and allow claims 1 and 3 - 15.

Respectfully submitted,

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